

The Corporation of the Municipality of West Grey

By-law Number 55 - 2016

Whereas, Section 129 (a) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that a local municipality may prohibit and regulate with respect to noise;

And whereas, pursuant to the said Municipal Act, Section 8 (1) and 9 provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipalities ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas, the Council of The Corporation of the Municipality of West Grey deems it expedient to pass a by-law to prohibit and regulate noises;

NOW THEREFORE the Council of The Corporation of the Municipality of West Grey enacts as follows:

1. INTERPRETATION:

Definitions In this By-law:

1.1 **“Construction”** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earthmoving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;

1.2 **“Construction Equipment”** means any equipment or device designed and intended for use in construction, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

1.3 **“Cleary Audible”** shall mean a noise level that a reasonable person would, in all of the circumstances, consider to be excessive, or unnecessary, or intrusive, or disturbing or unacceptable;

1.4 **“Council”** means The Council of the Corporation of the Municipality of West Grey;

1.5 **“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles;

1.6 **“Holiday”** means any holiday set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, Chapter R.30, or any successor thereof;

1.7 **“Motor Vehicle”** includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act;

1.8 **“Motorized Conveyance”** means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

1.9 **“Municipality”** means the land within the geographic limits of The Corporation of the Municipality of West Grey;

1.10 “**Noise**” means sound that is of such a volume or nature that is likely to disturb the inhabitants of the Municipality;

1.11 “**Officer**” means any Police Officer or Municipal By-law Enforcement Officer so designated by the Council of the Municipality of West Grey;

1.12 “**Point of Reception**” means any point where sound or vibration originating from a location other than that point is received;

1.13 “**Public Park**” means any municipal park in the Municipality of West Grey; excluding the Municipal Buildings within the park;

1.14 “**Residential Area**” means any area of the Municipality of West Grey that is zoned R1A, R1B, R2, R3, or ER, in the existing Zoning By-laws of The Corporation of the Municipality of West Grey and subsequent amendments thereto;

2. PROHIBITIONS:

No person shall emit or cause to permit the emission of **noise** resulting from an act at any time night or day listed in Schedule A- General Prohibitions and which sound is clearly audible at the point of reception.

3. PROHIBITIONS BY TIME AND PLACE:

No person shall emit or cause or permit the emission of noise resulting from any act listed in Schedule B if clearly audible at a point of reception located in an area of the municipality within a prohibited time shown for such an area

4. EXEMPTION:

4.1 Public Safety

Notwithstanding any other provision of this bylaw, it shall be lawful to emit or cause to permit the emission of sound or vibration in connection with emergency measures undertaken:

4.1.1 For the immediate health, safety or welfare of the inhabitants;

4.1.2 for the sounds or any bell, horn siren or other signaling device associated with any emergency or law enforcement vehicle;

4.1.3 where the Municipality, its servants, employees, contractors or agents are carrying out Municipality operations or operating, maintaining, or installing municipally-owned infrastructure, facilities or the like, except for the detonation of explosives;

4.1.4 for the noise created by the operation of snow plowing or snow removal equipment or for the clearing of street or sidewalks;

4.1.5 for the preservation or restoration of property;

4.1.6 unless such sound or vibration is clearly of a longer duration or nature more disturbing, than is reasonably necessary for the accomplishment of such emergency purposes.

5. EXEMPTION OF TRADITIONAL, FESTIVE CULTURAL, RELIGIOUS OR OTHER ACTIVITIES

5.1 Any annual fairs, parades, events or Community Festivals duly authorized by Council held on municipal property;

5.2 any sporting or recreational events held in parks where the Municipality has authorized such event;

5.3 any band or parade, provided that the authorization for such band or parade has been first been obtained from the Municipality of West Grey;

5.4 for the ringing or sounding of church bells or chimes, and honking of automobile horns after weddings;

5.5 the lawful use and detonation of fireworks on the holidays referred to as Victoria Day, Canada Day, and Labour Day, at any time other than between the hours of 11:00 p.m. to 10:00 a.m., or as authorized by The Municipality of West Grey, or any higher legislation thereto;

5.6 where the emission of noise arises from necessary work being performed in the pursuit of normal farm practices.

6. GRANT OF EXEMPTION BY COUNCIL:

6.1 Application to Council:

6.1.1 Despite the provisions of this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this bylaw with respect to any source of sound or vibration for which he might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of six months during which it is effective and may contain such terms and conditions as Council sees fit.

6.1.2 Any person applying for an exemption shall provide a request in writing setting out the particulars respecting the exemption requested to the Municipal Clerk at least ten (10) days prior to the Council meeting.

6.2 Decision:

In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.

6.3 Breach:

6.3.1 Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

6.3.2 No person shall breach any terms or conditions of any exemption granted by Council.

7. SEVERABILITY:

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

8. PENALTY:

Every person who contravenes any provision of this by-law is guilty of an offence and subject to penalty as provided for under the Provincial Offences Act. R.S.O. 1990, c.P.33

9. BY-LAW REPEALED:

Municipality of West Grey By-law No. 15-2004 is hereby repealed.

10. GENERAL:

10.1 That Schedules 'A' & 'B' are attached hereto and form part of this by-law.

10.2 That this by-law shall come into full force and effect upon its final passage.

10.3 That this by-law may be cited as the "Noise Control By-law"

Read a first and second time this 6th day of June, 2016.

Read a third time and finally passed this 6th day of June, 2016.

(Signed)
(Acting) Mayor – John A. Bell

(Signed)
CAO/Deputy Clerk – Larry C. Adams

Schedule A

By-law Number 55 - 2016

General Prohibitions

1. Racing of any motorized conveyance other than in a racing event regulated by law.
2. The operation of a motor vehicle in such a way that the tires squeal.
3. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation.
4. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
5. The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.
6. The operation of any item of construction equipment without effective muffling devices in good working order and in constant operation.
7. Persistent barking, whining or other similar persistent noise making by any domestic pet for a prolonged or excessive period of time.
8. The discharge of firearms for target practice between the hours of 9:00 p.m. and 7:00 a.m.
9. The discharge of firearms for hunting purposes ½ hour after sunset and ½ hour before sunrise, Monday to Saturday, unless permitted by another over-riding statute or legislation to discharge firearms during other hours.
10. The discharge of firearms for hunting purposes on Sunday, save and except for bow and cross-bow hunting.
11. The detonation of explosives, except when used in construction or approved by the Municipality.
12. The detonation of binary exploding targets.

Schedule B

By Law Number 55 - 2016

Prohibitions

| Noise Created From The Following Activities Is Prohibited | Prohibited Area | Prohibited Time Of Day |
|---|------------------------|--|
| The operation of any electronic devices intended for the production, reproduction or amplification of sound. | All Areas | At all times |
| The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices. | All Areas | At all times |
| All selling or advertising by shouting, outcry or amplified sound. | All Areas | 9:00 p.m. to 9:00 a.m. |
| The operation of any construction equipment or in connection with construction. | All Areas | 11:00pm to 6:00am |
| The operation of combustion engine which is used in, or is intended for use in a toy or model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance. | All Areas | 9:00pm to 9:00am |
| The operation of any motorized conveyance other than on a highway or authorized snowmobile trail. | All Areas | 11:00pm to 9:00am Sunday 11:00pm to 7:00am Monday to Saturday |
| The operation of any powered or non-powered tool, equipment or appliance for domestic purposes other than snow removal | All Areas | 9:00pm to 9:00 am Sunday 9:00pm to 7:00 am Monday to Saturday |
| The operation of solid waste, bulk lift, or refuse compacting equipment, delivery of products. | All Areas | 11:00 pm to 7:00 am Monday to Sunday |
| Yelling, shouting, hooting, singing or hollering. | All Areas | At all times |
| Loud playing of musical instruments. | All Areas | At all times |

Part 1 – Provincial Offences Act

**The Corporation of the Municipality of West Grey
By-Law Number 55 - 2016**

Being a By-Law to Regulate Noise

| Item | Column 1 - Short Form Wording | Column 2 - Offence Creating Provision or Defining Offence | Column 3 - Set Fine |
|-------------|--|--|----------------------------|
| 1 | Noise from racing motorized conveyance | Section 2, Schedule A p.1 | \$100.00 |
| 2 | Noise from squealing motor vehicle tires | Section 2, Schedule A p.2 | \$100.00 |
| 3 | Noise from operating combustion engine without effective muffling device | Section 2, Schedule A p.3 | \$100.00 |
| 4 | Noise from operating pneumatic device without effective muffling device | Section 2, Schedule A p.3 | \$100.00 |
| 5 | Noise from operating vehicle with improper secured load, equipment or inadequate maintenance | Section 2, Schedule A p.4 | \$100.00 |
| 6 | Noise from operating vehicle with attached trailer with improper secured load, equipment or inadequate maintenance | Section 2, Schedule A p.4 | \$100.00 |
| 7 | Noise from operating motor vehicle horn or other warning device not in good safety practices | Section 2, Schedule A p.5 | \$100.00 |
| 8 | Noise from operating construction equipment without effective muffling device | Section 2, Schedule A p.6 | \$100.00 |
| 9 | Allow persistent noise by domestic pet | Section 2, Schedule A p.7 | \$100.00 |
| 10 | Noise from discharge of firearms for target practice | Section 2, Schedule A p.8 | \$100.00 |
| 11 | Noise from discharge of firearms for hunting purposes | Section 2, Schedule A p.9 | \$100.00 |
| 12 | Noise from discharge of firearms for hunting purposes on Sunday | Section 2, Schedule A p.10 | \$100.00 |
| 13 | Noise from detonation of explosives | Section 2, Schedule A p.11 | \$100.00 |
| 14 | Noise from detonation of binary exploding targets | Section 2, Schedule A p.12 | \$100.00 |
| 15 | Noise from operating electronic device | Section 3, Schedule B | \$100.00 |
| 16 | Noise from operating auditory signalling device | Section 3, Schedule B | \$100.00 |
| 17 | Noise from creating noise by selling advertising during prohibited time | Section 3, Schedule B | \$100.00 |
| 18 | Noise from operating construction equipment during prohibited time | Section 3, Schedule B | \$100.00 |
| 19 | Noise from operating combustion engine associated with toy or model during prohibited time | Section 3, Schedule B | \$100.00 |

| Item | Column 1 - Short Form Wording | Column 2 - Offence Creating Provision or Defining Offence | Column 3 - Set Fine |
|-------------|---|--|----------------------------|
| 20 | Noise from operating motorized conveyance other than highway or authorized trail during prohibited time | Section 3, Schedule B | \$100.00 |
| 21 | Noise from operating tools during prohibited time | Section 3, Schedule B | \$100.00 |
| 22 | Noise from operating waste, refuse or delivery equipment during prohibited time | Section 3, Schedule B | \$100.00 |
| 23 | Noise from yelling, shouting, hooting, singing or hollering | Section 3, Schedule B | \$100.00 |
| 24 | Noise from playing musical instrument | Section 3, Schedule B | \$100.00 |
| 25 | Breach condition or exemption granted by council | Section 6.3.2 | \$100.00 |

The penalty provision for the offences listed above is Section 8 of By-Law Number 55 - 2016, certified copies of which have been filed.